

REMARKS

This Amendment is in response to the Office Action mailed February 5, 2003. In the Office Action, claims 1-20 under 35 U.S.C. § 103. Applicants have amended claims 1-4, 10-11, 16 and 19. No new claims have been added. Claims 1-20 remain pending in the application. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

I. Nonstatutory Double Patenting Rejection

Pending claims 1-20 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 09/271,008 and also over claims 1-22 of copending application No. 09/131,141. Applicants respectfully request to withhold the filing of any terminal disclaimer to overcome the obviousness-type double patenting rejection until either the subject application or one of the copending applications is allowed.

II. Rejections Under 35 U.S.C. §103

Claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Simmons et al. (U.S. Patent No. 6,192,028, hereinafter referred to as Simmons), in view of Frazier et al. (U.S. Patent No. 5, 784, 559, hereinafter referred to as Frazier). Applicants respectfully traverse the rejection.

To establish a prima facie case of obviousness, the combination of the prior art references must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination must be found in the prior art, not in applicant's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Herein, neither Simmons nor Frazier, alone or in combination, discloses or even suggest assignment of a plurality of pointer values to a corresponding plurality of records in a pointer value buffer associated with each of the virtual links, the *assignment of the plurality of pointer*

values based, at least in part, on the relative order in which data frames are transmitted on each of the virtual links and each of the plurality of pointer values being used to determine an order in which the data frames corresponding to the plurality of pointer values are promoted from a receive buffer for transmission.” (Emphasis added). As suggested by the Examiner, Simmons does explicitly disclose a free buffer pointer, also referred to as the “frame pointer,” but the frame pointer is not used to determine an order in which the data frames are promoted. In particular, Applicants respectfully submit that neither Simmons nor Frazier suggest such operations by the frame pointer. These operations are set forth in independent claims 1, 10, 16 and 19.

Hence, independent claims 1, 10, 16 and 19 as well as claims dependent thereon are in condition for allowance. Withdrawal of the §103(a) rejection is respectfully requested.

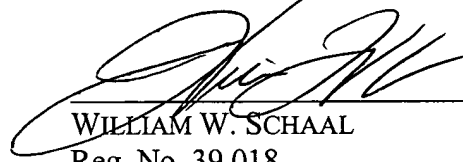
CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that all pending claims are in condition for allowance, and such action is respectfully solicited.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on: April 29, 2003.


Corinn R. Reynolds
Date 4/29/03